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THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1888.

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1888.

I. An Act to amend the Indian Stamp Act, 1879.

II. „ to provide for the levy of a Customs-duty on Petroleum.

III. „ to amend the Law relating to the Regulation of Police.

IV. „ to regulate Her Majesty's Indian Reserve Forces.

V. „ to consolidate and amend the law relating to the Protection of Inventions and Designs.

VI. „ to amend the law relating to Imprisonment for Debt.

VII. „ to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.

VIII. „ to remove doubts as to the legality of the levy of certain Tolls.

IX. „ to repeal certain enactments relating to Contagious Diseases.

X. „ to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.

XI. „ to make an addition to the Indian Telegraph Act, 1885.

XII. „ to supplement certain provisions of the City of Bombay Municipal Act, 1888, and of the Calcutta Municipal Consolidation Act, 1889.

XIII. „ to amend the Punjab Courts Act, 1884.

XIV. „ to make further provision for the Administration of the Estate of His late Majesty the King of Oudh.

XV. „ to supplement the provisions of the Upper Burma Laws Act, 1886, with respect to the Shan States.

XVI. „ to repeal certain enactments relating to the purchase of regimental necessaries from soldiers.

XVII. „ to amend the Indian Marine Act, 1887.

XVIII. „ to provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.

XIX. „ to amend the Burma Municipal Act, 1884.

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PRINTED BY THE SUPERINTENDENT GOVERNMENT PRINTING, INDIA.—NO. 249 L. D.—2-2-89.—2,400.—A. E. deS.

ACT No. I OF 1888.

LIBRARY.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th January, 1888.)

An Act to amend the Indian Stamp Act, 1879.

1 of 1879.

WHEREAS it is expedient to amend certain provisions of the Indian Stamp Act, 1879, relating to policies of insurance; It is hereby enacted as follows:—

Amendment of definition of "policy of insurance."

1. For clause (15) of section 3 of that Act the following shall be substituted, namely:—

"Policy of insurance."

"(15) 'Policy of insurance' means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

"It includes a life-policy, and includes also any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire-insurance in respect of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months."

New article substituted for article 49 of Schedule I.

2. For article 49 of the first schedule to that Act the following shall be substituted, namely:—

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY.	
		If drawn singly.	If drawn in duplicate, for each part.
49. POLICY OF INSURANCE. See *Exemption, Schedule II* [*No. 14 (a)*].	(a) In the case of sea-insurance— When the amount insured does not exceed . . 1,000 Rs.	Rs. A. P. 0 4 0	Rs. A. P. 0 2 0

[*Price one anna and nine pies.*]

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY	
		If drawn singly.	If drawn in duplicate, for each part.
		Rs. A. P.	Rs. A. P.
	And for every further sum of Rs 1,000 or part thereof in excess of Rs. 1,000	0 4 0	0 2 0
	(*b*) In the case of fire-insurance—		
	i. In respect of an original policy for a month or any shorter term—		
	When the amount insured does not exceed Rs. 1,000	Rs. A. P. 0 2 0	
	And for every further sum of Rs. 1,000 or part thereof in excess of Rs. 1,000	0 2 0	
49. POLICY OF INSURANCE—*contd.*	ii. In respect of an original policy for more than one month but not more than three months—		
	When the amount insured does not exceed Rs. 1,000	0 3 0	
	And for every further sum of Rs. 1,000 or part thereof in excess of Rs. 1,000	0 3 0	
	iii. In respect of an original policy for more than three months but not more than six months—		
	When the amount insured does not exceed Rs. 1,000	0 4 0	

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY.
		Rs. A. P.
49. POLICY OF INSURANCE—*contd.*	Rs. And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000	0 4 0
	iv. In respect of an original policy for a longer term than six months—	
	Rs. When the amount insured does not exceed . . 1,000	0 6 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . . . 1,000	0 6 0
	v. In respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which, and of the previous renewal whereof (if any), there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months . . .	The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy, and of the previous renewal thereof (if any); whichever is the smaller sum.

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY.	
		If drawn singly.	If drawn in duplicate, for each part.
		Rs. A. P.	Rs. A. P.
49. POLICY OF INSURANCE *contd.*	(*c*) In the case of any other insurance—		
	When the amount insured does not exceed Rs. 1,000	0 6 0	0 3 0
	And for every further sum of Rs 1,000 or part thereof in excess of Rs. 1,000	0 6 0	0 3 0

Government of India Central Printing Office.—No. 375 L. D.—2-2-88.—3,900.—A. McL.

ACT No. II OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th February, 1888.)

An Act to provide for the levy of a Customs-duty on Petroleum.

WHEREAS it is expedient to provide for the levy of a customs-duty on petroleum; It is hereby enacted as follows:—

ACT II

1. To the second schedule to the Indian Tariff Act, 1882, the following shall be added, namely:— Addition to Schedule II, Act XI, 1882.

2.

No.	Names of Articles.	Per.	Tariff valuation	Rate of Duty.
*	*	*	*	*
5	Petroleum, including also the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance or from any products of petroleum . .	Imperial gallon.	.....	six pies.
	Exception—Petroleum which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs-collector to be intended to be used exclusively for the batching of jute or other fibre or for lubricating purposes.			

And whereas the provisos to section 37 of the Sea Customs Act, 1878, do not apply to goods to which a rate

VIII of 1878.

[*Price one anna and three pies.*]

rate of duty is not already applicable ; It is further enacted as follows :—

Commencement of effect of the addition to the schedule.

2. The rate of duty applicable to petroleum of which the bill-of-entry is delivered, within the meaning of section 37 of the Sea Customs Act, 1878, to the Customs-collector under section 86 of that Act after the passing of this Act, shall be the rate of duty specified in the second schedule to the Indian Tariff Act, 1882, as amended by this Act. VIII of 1878. XI of 1882.

Government of India Central Printing Office.—No. 34 L. D.—19 7 88.—500.—J. W. DeB

ACT No. III of 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th February, 1888.)

An Act to amend the Law relating to the Regulation of Police.

WHEREAS it is expedient to relax those provisions of Acts for the regulation of police which restrict the employment of police-officers to the presidency, province or place of the police-establishment of which they are members; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Police Act, 1888.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Constitution of police-forces for special purposes.

2. (*1*) Notwithstanding anything in Act XXIV of 1859 (*an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*), Act V of 1861 (*an Act for the regulation of Police*), ~~the Bombay District Police Act, 1867~~, or any Act relating to the police in any presidency-town, the Governor General in Council may, by notification in the Gazette of India, create a general police district embracing parts of two or more presidencies, provinces or places, and direct the enrolment under Act V of 1861 of a police-force for service therein.

(*2*) With respect to such a district and the police-force enrolled therefor, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882, and any other enactment for the time being in force relating to police shall, subject to any

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any orders which the Governor General in Council may make in this behalf, be discharged by the Governor General in Council, or by such Local Government or other authority as the Governor General in Council may appoint, and the functions of the Inspector General of Police, Deputy Inspectors General, Assistant Inspectors General, District Superintendents of Police and Assistant District Superintendents under Act V of 1861 and any other enactment for the time being in force shall, subject as aforesaid, be discharged by such officer or officers as may be appointed by the authority ordinarily discharging under this sub-section the functions of the Local Government with respect to the district and force.

(*3*) Subject to any orders which the Governor General in Council may make in this behalf, members of a police-force enrolled for service in a general police district created under sub-section (*1*) shall have within every part of any presidency, province or place of which any part is included in the district the powers, duties, privileges and liabilities which, as police-officers appointed under Act V of 1861, they have within the district.

(*4*) Any member of such a force whom the authority ordinarily discharging with respect thereto the functions of the Local Government under sub-section (*2*) has generally or specially empowered to act under this sub-section may, subject to any orders which the Governor General in Council may make in this behalf, exercise in any part of the local area in which he has the powers of a police-officer under sub-section (*3*) any of the powers which an officer in charge of a police-station has in that part, and, when so exercising any such power, shall, subject as aforesaid, be deemed to be an officer in charge of a police-station discharging the functions of such an officer within the limits of his station.

(*5*) Subject to any orders which the Governor General in Council may make in this behalf, a part of a presidency, province or place included in a general police

police district under sub-section (*1*) shall not by reason of being included therein cease for the purposes of any enactment relating to police to be part of the presidency, province or place of which it forms part.

(*6*) For the purposes of this section, and subject to the provisions thereof, Act V of 1861 shall, notwithstanding anything in section 46 of that Act, be deemed to take effect throughout the whole of British India.

Employment of police-officers beyond the presidency, province or place to which they belong.

3. Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Governor General in Council may make in this behalf, a member of the police-establishment of any presidency, province or place may discharge the functions of a police-officer in any part of British India beyond the limits of the presidency, province or place, and shall, while so discharging such functions, be deemed to be a member of the police-establishment of that part and be vested with the powers, functions and privileges, and be subject to the liabilities, of a police-officer belonging to that establishment.

Government of India Central Printing Office.—No. 551 L. D.—13-3-88.—600.—A. McL.

ACT No. IV OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd March, 1888.)

An Act to regulate Her Majesty's Indian Reserve Forces.

WHEREAS it is expedient to provide for the government, discipline and regulation of Her Majesty's Indian Reserve Forces; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Indian Reserve Forces Act, 1888; and

(*2*) It shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Division of Reserve Forces into Active and Garrison Reserves.

2. The Indian Reserve Forces shall consist of the Active Reserve and the Garrison Reserve.

Locality of service of Reserves.

3. (*1*) A person belonging to the Active Reserve shall be liable to serve beyond the limits of British India as well as within those limits.

(*2*) A person belonging to the Garrison Reserve shall not be liable without his consent to serve beyond the limits of British India.

Power to make rules for regulation of Reserve Forces.

4. The Governor General in Council may make rules and orders for the government, discipline and regulation of the Indian Reserve Forces.

Liability of Reserve

5. Subject to the provision of section 3 with respect to persons belonging to the Garrison Reserve, and

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Forces to military law.

and to such rules and orders as may be made under section 4, a person belonging to the Indian Reserve Forces shall, as an officer or soldier, as the case may be, be subject to military law in the same manner and to the same extent as a person belonging to Her Majesty's Indian Forces.

Punishment of certain offences by persons belonging to Reserve Forces.

6. (*1*) If a person belonging to the Indian Reserve Forces—

(*a*) when required by or in pursuance of any rule or order under this Act to attend at any place fails without reasonable excuse to attend in accordance with such requirement, or

(*b*) fails without reasonable excuse to comply with any such rule or order, or

(*c*) fraudulently obtains any pay or other sum contrary to any such rule or order,

he shall be liable—

(i) on conviction by a Court-martial, to such punishment other than death, transportation or imprisonment for a term exceeding one year as such Court is by the Indian Articles of War empowered to award, or Act V of 1869.

(ii) on conviction by a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

(*2*) Where a person belonging to the Indian Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

(*3*) Any person charged with an offence under this section may be taken into and kept in either military or

or civil custody, or partly into and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

Effect of Act on persons already in the Reserves.

7. Nothing in this Act or in any rule or order thereunder shall make any person transferred to the Indian Reserve Forces before the commencement of this Act subject, without his consent, to any of the provisions of this Act.

Government of India Central Printing Office.—No. 514 L. D.—6-3-88.—3,900.—F. T. B.

THE INVENTIONS AND DESIGNS ACT, 1888.

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[*Price nine annas.*]

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ACT No. V OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 16th March, 1888.)

An Act to consolidate and amend the law relating to the Protection of Inventions and Designs.

WHEREAS it is expedient to consolidate and amend the law relating to the protection of inventions and designs ; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Inventions and Designs Act, 1888.

(*2*) It shall extend to the whole of British India ; and

(*3*) It shall come into force on the first day of July, 1888.

Repeal.

2. (*1*) The enactments described in the first schedule are hereby repealed to the extent specified in the third column thereof.

(*2*) But this repeal of enactments shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any such privilege, or any right or liability accrued or incurred, under any of those enactments before the commencement of this Act, or any relief in respect of any such privilege, right or liability.

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

Division of Act into Parts.

3. The remainder of this Act is divided into Parts, as follows :—

PART I.—INVENTIONS.

PART II.—DESIGNS.

PART I.

PART I.

INVENTIONS.

Definitions.

4. In this Part, unless there is something repugnant in the subject or context,—

(*1*) "invention" includes an improvement :

(*2*) "inventor" does not include the importer into British India of a new invention unless he is the actual inventor :

(*3*) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not :

(*4*) "assign" includes a grantee of the exclusive privilege of making, selling or using an invention, or of authorising others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term :

(*5*) "inventor," "actual inventor" and "applicant" include the executors, administrators or assigns of an inventor, actual inventor and applicant, as the case may be :

(*6*) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture :

(*7*) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance :

(*8*) "Secretary" means a Secretary to the Government of India appointed by the Governor General in Council to discharge the functions of the Secretary under this Act, and includes any under-secretary, assistant-secretary or other officer subordinate to the Government of India to the extent to which such officer may be authorized by general or special order of the Governor General in Council to discharge any of those functions :

(*9*) "District

(*9*) "District Court" has the meaning assigned to
XIV of 1882. that expression by the Code of Civil Procedure: and

(*10*) "High Court" has the meaning assigned to
X of 1882. that expression by the Code of Criminal Procedure, 1882, in reference to proceedings against European British subjects.

Application for leave to file specification.

5. (*1*) The inventor of a new manufacture, whether he is a British subject or not, may apply to the Governor General in Council for leave to file a specification thereof.

(*2*) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom.

(*3*) It must state the name, occupation and address of the applicant, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor General in Council may see fit to require from the applicant.

(*4*) If in any case it appears to the Governor General in Council that an application ought to be further supplemented by a model of anything alleged to constitute an invention, he may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

6. (*1*) Upon an application under the last foregoing section the Governor General in Council may, after such inquiry as he thinks fit, make an order authorising

ising the applicant to file a specification of the invention.

(*2*) Before making an order under sub-section (*1*), the Governor General in Council may direct that the application be referred for inquiry and report to any person whom he thinks fit.

(*3*) When such enquiry and report are made by a person who is not in the service of the Government, there shall be payable to that person by the applicant such fee as the Governor General in Council, after considering the report, may determine.

(*4*) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Governor General in Council may by rule or otherwise prescribe, such sum as will, in the opinion of the Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (*3*).

(*5*) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(*6*) If the fee as determined by the Governor General in Council exceeds the sum so deposited, an order shall not be made under sub-section (*1*) until the applicant has paid the balance of the fee.

(*7*) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

Applications in respect of contemporaneous inventions.

7. (*1*) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Governor General in Council to be identical or so similar as to be practically identical, the Governor General in Council may, in his discretion, authorise both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(*2*) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall

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shall be deemed to have a preferential claim to an order authorising the filing of his specification.

Acquisition and continuance of exclusive privilege.

8. (*1*) If within six months from the date of an order under section 6, sub-section (*1*), or within such further time, not exceeding three months, as the Governor General in Council, in his discretion, may, on cause shown to his satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, see fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling and using the invention in British India, and of authorising others so to do, for a term of fourteen years from the date of the filing of the specification.

(*2*) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (*1*), cease if the inventor fails to pay, within the time limited in that behalf by the fourth schedule, any fee prescribed in that schedule in respect of the continuance of the privilege.

(*3*) If, nevertheless, in any case, by accident, mistake or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Governor General in Council for an enlargement of the time for making the payment.

(*4*) Thereupon the Governor General in Council may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule and subject to the following conditions, namely:—

(*a*) the time for making a payment shall not in any case be enlarged for more than three months; and

(*b*) if any suit is instituted in respect of an infringement of the exclusive privilege committed

mitted after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

9. (*1*) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(*2*) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(*3*) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

Mode of filing application and specification.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Delivery and distribution of copies of specification.

11. (*1*) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(*2*) One of these copies shall be retained by the Secretary, and one shall be sent to the Governor of Fort St. George in Council, one to the Governor of Bombay

Bombay in Council, one to the Chief Commissioner of Burma, and the others, if any, to such authorities as the Governor General in Council may appoint in this behalf.

(*3*) The copies of the specification which are sent under sub-section (*2*) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Register of inventions.

12. (*1*) A book, to be called the register of inventions, shall be kept in the office of the Secretary wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(*2*) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(*3*) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

Address-book.

13. (*1*) Another book, to be called the address-book, shall be kept in the office of the Secretary wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested, may from time to time cause to be stated some place in British India where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(*2*) A reference to each entry in the address-book shall be made in the register of inventions in the margin

margin of the entry in that register of the application for leave to file the specification.

Provisions with respect to the register and book.

14. (*1*) Every entry in the register of inventions or address-book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document and shall be open to the inspection of any person at all reasonable times at the office of the Secretary.

(*2*) The books kept under section 11 and section 35 of Act No. XV of 1859 (*an Act for granting exclusive Privileges to Inventors*) shall be deemed to be parts of the register of inventions and address-book respectively.

Extension of exclusive privilege.

15. (*1*) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the expiration of an exclusive privilege acquired under section 8, apply to the Governor General in Council for an extension of the privilege for a further term.

(*2*) When an application is made under sub-section (*1*), the Governor General in Council may, if he thinks fit, refer it to a High Court for report.

(*3*) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(*4*) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(*5*) If

(*5*) If the Governor General in Council is of opinion, or, where a reference has been made under sub-section (*2*), if the Court reports, that the inventor has been inadequately remunerated by his exclusive privilege, the Governor General in Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(*6*) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the inventor fails to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privilege.

16. An order under section 6, sub-section (*1*), authorizing the filing of a specification, or under section 15, sub-section (*5*), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor General in Council thinks expedient

Exclusive privilege to bind the Government.

17. (*1*) Subject to any conditions imposed under the last foregoing section—

(*a*) with respect to the filing, by a person employed in the service of Her Majesty in India, of the specification of a manufacture invented by him in the course of his employment, or

(*b*) with respect to the extension, in favour of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against Her Majesty as it has against a subject.

(*2*) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors or others, at any time

time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor General in Council, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Governor General in Council.

Application for leave to file memorandum or amended specification.

18. (*1*) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Governor General in Council for leave to file a memorandum pointing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(*2*) The application must be in writing signed by the applicant, and must state how the error, defect or insufficiency occurred and that it was not fraudulently intended.

(*3*) Upon the application the Governor General in Council may make an order allowing the memorandum or amended specification to be filed.

(*4*) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed :

Provided

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

20. A person shall not be entitled to an exclusive privilege under this Part—

(*a*) if the invention is of no utility, or

(*b*) if the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this Part, or

(*c*) if the applicant is not the inventor thereof, or

(*d*) if the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

(*f*) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of British India and the United Kingdom.

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not before the date of the delivery or receipt of the application for leave to file the specification thereof been publicly used in any part of British India or of the United Kingdom, or been made publicly known in any part of British India or of the United Kingdom by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning

meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

Effect of temporary use of invention in public by inventor or by his leave.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

Effect of public use or knowledge of patented invention between application for patent and application to file specification.

24. If an inventor who has obtained a patent for his invention in the United Kingdom causes an application for leave to file a specification of the invention under this Part to be delivered or received by the Secretary within twelve months from the date of the actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Part if it was not publicly used or known in any part of British India at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in some part of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

Effect of like public use or knowledge of unpatenedt invention.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent is pending in the United Kingdom, and the interval between the date of his application for the patent and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the

the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of British India or of the United Kingdom during the interval.

Effect of public use or knowledge of invention after admission to an exhibition.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for leave to file a specification of the invention to be delivered to or received by the Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

Cessation of exclusive privilege by order of the Government.

27. (*1*) An exclusive privilege acquired under this Part shall cease if the Governor General in Council declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

(*2*) It shall also cease if a breach of any condition on which the applicant was authorised to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to a High Court proved to the satisfaction of that Court, and if the Governor General in Council thereupon declares the privilege to have ceased.

Cessation of exclusive privilege on revocation or expiration of patent.

28. (*1*) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

(*2*) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

29. (*1*) An

Suit for infringement of exclusive privilege.

29. (*1*) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him under this Part in respect of an invention, makes, sells or uses the invention without his license, or counterfeits or imitates it.

(*2*) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(*3*) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell or use the invention, or to counterfeit or imitate it, as the case may be:

(*4*) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some parts of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

30. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that the invention is of no utility, or

(*b*) that the invention was not, at the date of the delivery or receipt of the application for leave

leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor thereof, or

(*d*) that the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or

(*f*) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or

(*g*) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of an invention.

31. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of any part of an invention to be specified in the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or

(*b*) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that

(*c*) that the applicant was not the inventor of that part of the invention, or

(*d*) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for costs of application under either of the two last foregoing sections.

32. The High Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, XIV of 1882. require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

Application on breach of condition.

33. (*1*) Any person authorized by the Governor General in Council in this behalf may apply to a High Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Governor General in Council, depend, should not be tried in the form of an issue directed by the Court.

(*2*) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried and certify the result of the trial to the Governor General in Council.

Notice of proceedings to persons interested.

34. (*1*) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(*2*) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering the copy to any person resident at or in charge of the place or, if there is no person resident at or in charge of the place, or if the place is not within the local limits

limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Framing issue for trial before other Court.

35. (*1*) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any other High Court, or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(*2*) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(*3*) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court, and the High Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Order on application.

36. (*1*) If it appears to the High Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(*2*) If it appears to the High Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery

or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency: or

(*3*) If it appears to the High Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be amended in any particular in which it is erroneous, defective or insufficient; and thereupon the applicant shall, within a time to be limited by the Court for the purpose, file in the office of the Secretary a specification amended according to the order.

(*4*) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(*5*) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

37. (*1*) In a suit for the infringement of an exclusive privilege acquired under this Part the plaintiff shall deliver with his plaint particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(*2*) In like manner, upon an application to a High Court

Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(*3*) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(*4*) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(*5*) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to exclusive privilege in case of fraud.

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor, and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may

may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to the other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

Transmission of copies of decrees and orders to Secretary.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

Registration of cessation of exclusive privilege.

40. In the following cases, namely :—

(*a*) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired ;

(*b*) when an exclusive privilege acquired under this Part has been declared by the Governor General in Council under section 27 to have ceased ;

(*c*) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege ;

(*d*) when-

(*d*) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section;

(*e*) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38;

(*f*) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

Rectification of register of inventions or address-book.

41. (*1*) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to a High Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(*2*) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(*3*) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

Power to High Court to stay proceedings on or dismiss certain applications.

42. A High Court to which an application has been made under section 30, section 31, section 33 or section 41 may stay proceedings on, or dismiss, the application if in its opinion the application would be disposed

disposed of more justly or conveniently by another High Court.

Power for Governor General in Council to require grant of licenses.

43. If on the petition of any person interested it is proved to the Governor General in Council that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

(*a*) the exclusive privilege is not being worked in British India, or

(*b*) the reasonable requirements of the public with respect to the invention cannot be supplied, or

(*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Governor General in Council may order the inventor to grant, or may himself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor General in Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

Assignment for particular places.

44. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

Subscription of specifications and applications.

45. If an applicant is absent from British India, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in British India authorized by him in writing in that behalf.

Verification of applications.

46. (*1*) An application under this Part for leave to file a specification, memorandum or amended specification

fication must be verified by the person making the application.

(*2*) If that person is absent from British India, the application may be verified by the agent who signs the application on his behalf.

(*3*) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

Agents.

47. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this Part to be done by any person may be done on his behalf by an agent in British India having authority in writing from that person so to do the act.

Fees.

48. (*1*) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(*2*) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(*3*) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council directs.

(*4*) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

49. (*1*) The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(*2*) Rules under this section may provide, among other matters, for the printing of specifications, memoranda and amended specifications, and for the distribution or sale of printed copies thereof.

PART II.

DESIGNS.

Definitions.

50. In this Part, unless there is something repugnant in the subject or context,—

(*1*) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(*2*) "copyright" means the exclusive right to apply a design to an article:

(*3*) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor", and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(*4*) "Secretary", "District Court" and "High Court" have the same meanings as in Part I.

Application for order for registration of design.

51. (*1*) Any person, whether a British subject or not, claiming to be the proprietor of any new and original design not previously published in British India may apply to the Governor General in Council for an order for the registration of the design.

(*2*) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(*3*) It

(*3*) It must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof in the office of the Secretary shall be endorsed thereon and recorded in that office.

Registration in register of designs.

52. (*1*) Upon the application the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the registration of the design.

(*2*) When an order has been made under sub-section (*1*), the Secretary shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(*3*) The date of registration shall be recorded in the register.

Acquisition of copyright.

53. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

Marking registered designs.

54. (*1*) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(*2*) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Effect of exhibiting unregistered designs at exhibitions.

55. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for an order for the registration of the design to be delivered to or received by the Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in British India within the meaning of section 51 by reason only of the design having been exhibited at the exhibition.

56. Any

Mutation of names in register of designs.

56. Any person in whom the copyright in a design has become vested may apply to the Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Secretary may, if he sees fit, cause the entry to be made.

Suit for infringement of copyright.

57. (*1*) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale by any person of any article to which the design, or any fraudulent or obvious imitation thereof, has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(*2*) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Secretary, who shall cause an entry thereof to be made in the register of designs.

Registration of cessation of copyright.

58. When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Secretary shall cause an entry with respect to the cessation of the right to be made in the register of designs.

Rectification of register of designs.

59. (*1*) A High Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(*2*) An order under sub-section (*1*) may declare copyright in a design not to have been acquired.

(*3*) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof to be made in the register of designs.

(*4*) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

60. A

Power to High Court to stay proceedings on, or dismiss, application for rectification of register.

60. A High Court to which an application has been made under the last foregoing section may stay proceedings on, or dismiss, the application if, in its opinion, the application would be disposed of more justly or conveniently by another High Court.

Application to this Part of certain provisions of Part I.

61. The provisions of the following portions of Part I, namely:—

(*a*) section 11, with respect to copies of specifications,

(*b*) section 14, with respect to the register of inventions and the matters entered therein, and

(*c*) section 47, with respect to the performance by an agent of any act required or authorized by that Part to be done by a principal,

shall, so far as they can be made applicable, apply, respectively, to—

(*a*) copies of drawings, photographs or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,

(*b*) the register of designs and the matters entered and documents referred to therein, and

(*c*) the performance by an agent of any act required or authorized by this Part to be done by a principal.

Fees.

62. (*1*) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed.

(*2*) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(*3*) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council may direct.

(*4*) A

(Part II.—Designs.—Section 63. The First Schedule.—Enactments repealed. The Second Schedule.—Application where Patent has not been obtained.)

(*4*) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

63. The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Number and year.	Subject or title.	Extent of repeal.
XV of 1859 . .	For granting exclusive Privileges to Inventors.	So much as has not been repealed.
XIII of 1872 .	Patterns and Designs Protection Act, 1872.	So much as has not been repealed.
XVI of 1883 .	Protection of Inventions Act, 1883.	The whole.
I of 1879 . .	Indian Stamp Act, 1879 . .	Article 48, Schedule I.

THE SECOND SCHEDULE.

APPLICATION WHERE PATENT HAS NOT BEEN OBTAINED.

(*See sections 5 and 49.*)

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant is in possession of an invention for (*state the*

(*The Second Schedule.—Application where Patent has not been obtained. The Third Schedule.—Application where Patent has been obtained.*)

THE SECOND SCHEDULE.—*continued.*

the title of the invention); he is the inventor thereof (*or, as the case may be, the executor, administrator or assign of the inventor*); and, to the best of his information and belief, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(*Signature and verification.*)

THE THIRD SCHEDULE.

APPLICATION WHERE PATENT HAS BEEN OBTAINED.

(*See sections 5 and 49.*)

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant (*or, as the case may be, A. B. of whom the applicant is the executor, administrator or assign*) has obtained a patent in the United Kingdom dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention*).

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Invention and Designs Act, 1888, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Invention and Designs Act, 1888.

(*Signature and verification.*)

THE

THE FOURTH SCHEDULE.

FEES (*Inventions*).

(*See sections 8, 15 and 48.*)

	Rs.	A.	P.
(*1*) in respect of an application for leave to file a specification (section 5) . . .	10	0	0
(*2*) in respect of the filing of a specification (section 8)	30	0	0
(*3*) in respect of an extension of the time for filing a specification (section 8) . .	20	0	0
(*4*) in respect of the continuance of an exclusive privilege (section 8)—			
(*a*) after the filing of the specification and before the expiration of the fourth year from the date of the filing thereof . . .	50	0	0
(*b*) after the expiration of the fourth year and before the expiration of the fifth year from that date .	50	0	0
(*c*) after the expiration of the fifth year and before the expiration of the sixth year from that date .	50	0	0
(*d*) after the expiration of the sixth year and before the expiration of the seventh year from that date .	50	0	0
(*e*) after the expiration of the seventh year and before the expiration of the eighth year from that date .	50	0	0
(*f*) after the expiration of the eighth year and before the expiration of the ninth year from that date .	100	0	0
(*g*) after the expiration of the ninth year and before the expiration of the tenth year from that date	100	0	0
(*h*) after the expiration of the tenth year and before the expiration of the eleventh year from that date	100	0	0
(*i*) after the expiration of the eleventh year and before the expiration of the twelfth year from that date .	100	0	0

(*j*) after

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(*The Fourth Schedule.—Fees* (*Inventions*).)

THE FOURTH SCHEDULE—*continued.*

	Rs.	A.	P.
(*j*) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date	100	0	0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			
(5) in respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—			
(*i*) if the enlargement does not exceed one month	10	0	0
(*ii*) if the enlargement exceeds one month, but does not exceed two months	25	0	0
(*iii*) if the enlargement exceeds two months	50	0	0
(6) in respect of an application for an extension of an exclusive privilege for a further term (section 15)	50	0	0
(7) in respect of an order extending the term of an exclusive privilege (section 15) .	100	0	0
(8) in respect of the continuance of an exclusive privilege of which the term has been extended (section 15)	100	0	0
	to be paid before the expiration of each year of the extended term:		
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			
(9) in respect of an application for leave to file a memorandum or amended specification (section 18)	20	0	0

(*10*) in

(*The Fourth Schedule.—Fees* (*Inventions*). *The Fifth Schedule.—Application for Order for Registration of Design.*)

THE FOURTH SCHEDULE—*concluded.*

	Rs.	A.	P.
(*10*) in respect of a petition to the Governor General in Council for a compulsory license (section 43)	50	0	0
(*11*) for the inspection of any book or other document which is open to inspection under Part I	1	0	0
(*12*) for copies—			
(*a*) when the number of words copied does not exceed four hundred .	1	0	0
(*b*) for every hundred words in excess of four hundred	0	4	0
(*c*) of drawings or photographs .	cost according to agreement.		
(*13*) for certifying copies—			
for every hundred words . . .	0	2	0

THE FIFTH SCHEDULE.

APPLICATION FOR ORDER FOR REGISTRATION OF DESIGN.

(*See sections 51 and 63.*)

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Inventions and Designs Act, 1888.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

2. To the best of his information and belief, that design is within the meaning of Part II of the Inventions and Designs Act, 1888, a new and original design not previously published in British India.

3. copies of (*drawings*), (*photographs*), (*tracings*) of the design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The

(*The Fifth Schedule.—Application for Order for Registration of Design. The Sixth Schedule.—Fees (Designs).*)

THE FIFTH SCHEDULE.—*continued.*

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Inventions and Designs Act, 1888.

(*Signature.*)

THE SIXTH SCHEDULE.

FEES (*Designs*).

(*See section 62.*)

	Rs.	A.	P.
(*1*) in respect of an application for an order for the registration of a design (section 51)	10	0	0
(*2*) in respect of a mutation of names in the register of designs (section 56) . .	5	0	0
(*3*) for the inspection of any book or other document which is open to inspection under Part II	1	0	0
(*4*) for copies—			
(*a*) when the number of words copied does not exceed four hundred .	1	0	0
(*b*) for every hundred words in excess of four hundred . . .	0	4	0
(*c*) of drawings, photographs or tracings	cost according to agreement.		
(*5*) for certifying copies—			
for every hundred words . . .	0	2	0

Government of India Central Printing Office.—No. 572 L. D.—23-3-88.—4,400.—F. T.B.

ACT No. VI OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 23rd March, 1888.*)

An Act to amend the law relating to Imprisonment for Debt.

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

Title, commencement and extent.

1. (*1*) This Act may be called the Debtors Act, 1888; and

(*2*) It shall come into force at once.

(*3*) The several portions thereof have the same local extent as the enactments to which they respectively relate.

Addition of sections after section 245 of the Code of Civil Procedure.

XIV of 1882. 2. After section 245 of the Code of Civil Procedure the following sections shall be inserted, namely:—

Prohibition of arrest or imprisonment of women in execution of decrees for money.

"245A. Notwithstanding anything in the last foregoing section or in any other section of this Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for money.

Discretionary power to permit other judgment-debtors to show cause against imprisonment.

"245B. (*1*) Notwithstanding anything in section 245 or in any other section of this Code, when an application is for the execution of a decree for money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before

[*Price two annas.*]

before the Court on a day to be specified in the notice and show cause why he should not be committed to jail in execution of the decree.

"(*2*) If appearance is not made in obedience to the notice, the Court shall, if the decreeholder so requires, issue a warrant for the arrest of the judgment-debtor."

Amendment of section 250 of the Code.

3. In section 250 of the said Code, between the word "shall" and the word "issue", the following shall be inserted, namely:—

"subject to the provisions of sections 245A and 245B,".

Addition of new section after section 337 of the Code.

4. After section 337 of the said Code the following shall be inserted, namely:—

Proceedings on appearance of judgment-debtor in obedience to notice under section 245B, or after arrest in execution of decree for money.

"337A. (*1*) When a judgment-debtor appears before the Court in obedience to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms, if any, as it thinks fit, make an order disallowing the application for his arrest and imprisonment, or directing his release, as the case may be.

"(*2*) Before making an order under sub-section (*1*), the Court may take into consideration any allegation of the decreeholder touching any of the following matters, namely:—

(*a*) the decree being for a sum for which the judgment-debtor was bound as a trustee or as acting in any other fiduciary capacity to account;

(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was made, or the commission

mission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decreeholder in the execution of the decree;

(*c*) any undue or unreasonable preference given by the judgment-debtor to any of his other creditors;

(*d*) his refusal or neglect to pay the amount of the decree or some part thereof when he has or since the date of the decree has had the means of paying it;

(*e*) the likelihood of his absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (*b*) of this sub-section.

"(*3*) While any of the matters mentioned in sub-section (*2*) are being considered, the Court may in its discretion order the judgment-debtor to be imprisoned, or leave him in the custody of an officer of the Court, or release him on his furnishing sufficient security for his appearance on the requisition of the Court.

"(*4*) A judgment-debtor released under this section may be re-arrested.

"(*5*) If the Court does not make such an order as is mentioned in sub-section (*1*), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to jail."

Addition to section 380 of the Code.

5. To section 380 of the said Code the following shall be added, namely:—

"On the application of any defendant in a suit for money in which the plaintiff is a woman the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India independent of the property in suit."

Amendment of section 640 of the Code.

6. In section 640 of the said Code, after the words

words "from arrest in execution of civil process." the words "in any case in which the arrest of women is not prohibited by this Code" shall be added.

Amendment of section 642 of the Code.

7. In section 642 of the said Code, for the words and figures "except as provided in sections 256 and 643" the following shall be substituted, namely:—

"except as provided in section 337A, sub-section (*5*), and sections 256 and 643,".

Addition of new section after section 652 of the Code.

8. After section 652 of the said Code the following shall be added, namely:—

Release on ground of illness of judgment-debtor.

"653. (*1*) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

"(*2*) When a judgment-debtor has been arrested under this Code the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

"(*3*) When a judgment-debtor has been committed to jail, he may be released therefrom—

(*a*) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(*b*) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

"(*4*) A judgment-debtor released under this section may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be."

Repeal of other enactments.

9. The last sixteen words of section 8 of the Married Women's Property Act, 1874, and the whole of section 31 of the Ajmere Courts Regulation, 1877, are hereby repealed. III of 1874. I of 1877.

Amendment of parts of

10. (*1*) For the first fifty-five words of section

48 of the Act of the Governor of Fort St. George in Council, No. VIII of 1865, the following shall be substituted, namely:— Madras Act VIII of 1865 and India Act XII of 1881.

"No person shall be imprisoned as a defaulter for a longer period than six months whatever the amount of the arrears may be, nor for a longer period than six weeks if the arrears do not exceed fifty rupees."

(*2*) For the proviso to section 163 of the North-
XII of 1881. Western Provinces Rent Act, 1881, the following shall be substituted, namely:—

"Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed six weeks when the amount decreed (exclusive of costs) does not exceed fifty rupees, or six months in any other case."

Government of India Central Printing Office.—No. 605 L. D.—12-4-88.—4,400.—A. McL.

ACT No. VII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd March, 1888.)

An Act to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.

XIV of 1882. III of 1877. XV of 1877. WHEREAS it is expedient to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Civil Procedure Code Amendment Act, 1888; and

(*2*) It shall come into force on the first day of July, 1888.

Construction.

2. (*1*) In this Act, unless there is something repugnant in the subject or context, "section" means a section, "schedule" a schedule, and "Chapter" a Chapter, of the Code of Civil Procedure. XIV of 1882.

(*2*) Any reference in any enactment heretofore passed or hereafter to be passed to any Act amended by this Act shall, so far as may be, be read as if made to that Act as so amended.

Addition of new section after section 4.

3. The following shall be inserted after section 4, namely:—

Power to modify the Code in its application to Revenue Courts.

"4A. (*1*) Where any Revenue Courts are governed by the provisions of the Code of Civil Procedure in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare that any portions of those provisions shall

shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

"(*2*) 'Revenue Court' in sub-section (*1*) means a Court having jurisdiction under any local law to entertain suits relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits as being suits of a civil nature of which its cognizance is not barred by any enactment for the time being in force."

Repeal of part of section 8.

4. The second paragraph of section 8 is hereby repealed.

Addition to section 14.

5. To section 14 the following shall be added, namely:—

"Where a suit is instituted in British India on the judgment of any foreign Court in Asia or Africa except a Court of Record established by Letters Patent of Her Majesty or any predecessor of Her Majesty or a Supreme Consular Court established by an Order of Her Majesty in Council, the Court in which the suit is instituted shall not be precluded from inquiry into the merits of the case in which the judgment was passed."

Addition of new section after section 16.

6. The following shall be inserted after section 16, namely:—

Place for institution of suit where local limits of jurisdiction of Courts are uncertain.

"16A. (*1*) When it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction:

"Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

"(*2*) Where

"(*2*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection if in its opinion there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto."

Addition to section 17.

7. In section 17, after Explanation II, the following shall be inserted, namely :—

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely :—

(i) the place where the contract was made;

(ii) the place where the contract was to be performed or performance thereof completed;

(iii) the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

Amendment of section 27.

8. In section 27 there shall be inserted after the words "the Court may" the words "at any stage of the suit", and after the words "any other person or persons" the words "with his or their consent"

Substitution of new section for section 53.

9. For section 53 the following shall be substituted, namely :—

When plaint may be rejected, returned for amendment or amended.

"53. The plaint may, at the discretion of the Court,—

(*a*) at, or at any time before, the settlement of issues be rejected if it does not disclose a cause of action ;

(*b*) at, or at any time before, the settlement of issues be returned for amendment within a time to be fixed by the Court, and upon such terms as to the payment of costs occasioned

occasioned by such amendment as the Court thinks fit, if it—

(i) is not signed and verified as hereinbefore required,

(ii) does not state correctly and without prolixity the several particulars hereinbefore required, or contains particulars other than those so required,

(iii) is wrongly framed by reason of non-joinder or misjoinder of parties, or joins causes of action which ought not to be joined in the same suit, or

(iv) is not framed in accordance with the provisions of section 42;

(*c*) at any time before judgment be amended by the Court upon such terms as to the payment of costs as the Court thinks fit:

"Provided that a plaint shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

"When a plaint is amended under this section the amendment shall be attested by the signature of the Judge."

Substitution of new section for section 72.

10. For section 72 the following shall be substituted, namely:—

Delivery or transmission of summons for service.

"72. (*1*) If the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall ordinarily be delivered or sent to the proper officer to be served by him or one of his subordinates.

"(*2*) The proper officer may be an officer of another Court than that in which the suit is instituted, and, where he is such an officer, the summons may, subject

subject to any rules which the High Court may make in this behalf, be sent to him by post or in such other manner as the Court may direct."

Amendment of section 82.

11. In section 82, for the first twenty words the following shall be substituted, namely:—

"When a summons is returned under section 80, the Court shall if the return under that section has not been verified by the affidavit of the serving-officer, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching his proceedings."

Substitution of new section for section 90.

12. For section 90 the following shall be substituted, namely:—

Service in foreign territory through British Resident or Court.

"90. If there is a British Resident or Agent, or a Superintendent appointed by the British Government, or a Court established or continued by the authority of the Governor General in Council, in or for the territory in which the defendant resides, the summons may be sent to such Resident, Agent, Superintendent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the Resident, Agent or Superintendent or the Judge of the Court returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service."

Substitution of new sections for sections 141 and 142.

13. For sections 141 and 142 the following shall be substituted, namely:—

Endorsements on documents admitted in evidence.

"141. (*1*) Subject to the provisions of the next following sub-section, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely:—

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a

(*d*) a statement of its having been so admitted,

and the endorsement shall be signed by the Judge.

"(*2*) If a document so admitted is an entry in a book, account or record and a copy thereof has been substituted for the original under the next following section, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed by the Judge.

Endorsements on copies of admitted entries in books, accounts and records.

"141A. (*1*) If a document admitted in evidence in the suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced may furnish a copy of the entry.

"(*2*) If such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(i) where the record, book or account is produced on behalf of a party, then by that party, or

(ii) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

"(*3*) When a copy of an entry is furnished under the foregoing provisions of this section, the Court shall, after causing the copy to be examined, compared and attested in manner mentioned in section 62, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

Endorsements on documents rejected as inadmissible in evidence.

"142. When a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of section 141, sub-section (*1*), and a statement of its having been rejected, and the endorsement shall be signed by the Judge.

Recording of admitted and return of

"142A. (*1*) Every document which has been admitted in evidence, or a copy thereof where a copy has

has been substituted for the original under section 141A, shall form part of the record of the suit. rejected documents.

"(2) Documents not admitted in evidence shall not form part of the record and shall be returned to the parties respectively producing them."

14. In section 143, for the words and figures "sections 62, 141 and 142" there shall be substituted the following, namely:— Amendment of section 143.

"section 62, section 141A, sub-section (3), or section 142A, sub-section (2),".

15. In section 159 the words "or sent" shall be inserted after the word "delivered". Amendment of section 159.

16. In section 168, for the words "shall examine the serving-officer on oath" the following shall be substituted, namely:—"shall if the certificate of the serving-officer has not been verified by affidavit, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court,". Amendment of section 168.

17. The following shall be inserted after section 185, namely:— Addition of new section after section 185.

"185A. (1) The Local Government may, by notification in the official Gazette, direct, with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language. Power for Local Government to require evidence to be recorded in English.

"(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

"(3) Evidence taken down under sub-section (1) or sub-section (2) shall be in the form mentioned in section 182, and be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

"(4) The

"(*4*) The Local Government may, by notification in the official Gazette, revoke or vary a direction notified under sub-section (*1*)."

Addition to section 191.

18. For section 191 the following shall be substituted, namely :—

Power to deal with evidence taken down by another Judge.

"191. (*1*) Where the Judge taking down any evidence, or causing any memorandum to be made, under this Chapter, is prevented by death, transfer or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it.

"(*2*) The provisions of sub-section (*1*) shall apply, so far as they can be made applicable, to a suit transferred under section 25 :

"Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred shall recall all or any of the witnesses who have been examined and take their evidence afresh."

Addition to section 193.

19. To section 193 the following shall be added, namely :—

"A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with section 173."

Amendment of section 209.

20. (*1*) In section 209, for the first thirteen words the words "When a decree is for the payment of money" shall be substituted.

(*2*) To the same section the following shall be added, namely :—

"Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie."

21. (*1*) In

21. (*1*) In section 216, for the first twenty-four words the following shall be substituted, namely :— Amendment of section 216.

"If the defendant has been allowed a set-off against the claim of the plaintiff,".

(*2*) To the same section the following shall be added, namely :—

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

22. In section 223, for the words "in a case cognizable by a Court of Small Causes" the following shall be substituted, namely :— Amendment of section 223.

"in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes."

23. In section 229, after the word "established" the words "or continued" shall be inserted. Amendment of section 229.

24. After section 229 the following shall be inserted, namely :— Addition of new section after section 229.

"229A. So much of the foregoing sections of this Chapter as empowers a Court to send a decree for execution to another Court shall be construed as empowering a Court in British India to send a decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply." Sending of decrees of British Indian Courts to British Courts in Native States.

25. ~~The last paragraph of section 230 is hereby repealed.~~ Repeal of part of section 230.

26. (*1*) In section 244, for clause (*c*) the following shall be substituted, namely :— Amendment of section 244.

"(*c*) any other questions arising between the parties to the suit in which the decree was passed, or their

their representatives, and relating to the execution, discharge or satisfaction of the decree or to the stay of execution thereof."

(*2*) To the same section the following shall be added, namely :—

"If a question arises as to who is the representative of a party for the purposes of this section, the Court may either stay execution of the decree until the question has been determined by a separate suit or itself determine the question by an order under this section."

Amendment of section 258.

27. For the last paragraph of section 258 the following shall be substituted, namely :—

" Unless such a payment or adjustment has been certified as aforesaid, it shall not be recognized as a payment or adjustment of the decree by any Court executing the decree."

Amendment of section 266.

28. (*1*) In the first proviso to section 266, clause (*a*), the words " and bedding " shall be inserted after the word " apparel".

(*2*) In the same proviso, clause (*b*), after the word " cattle " the words " and seed-grain ". shall be inserted.

(*3*) In the same proviso, for clause (*h*) the following shall be substituted, namely :—

" (*h*) the salary of a public officer or of any servant of a Railway Company or local authority to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees monthly ;

(ii) twenty rupees monthly where the salary exceeds twenty rupees and does not exceed forty rupees monthly ; and

(iii) one moiety of the salary in any other case."

(*4*) To

(*4*) To the same proviso, after clause (*l*), the following shall be added, namely :—

"(*m*) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree; 24 & 25 Vic., c. 67.

"(*n*) where the judgment-debtor is a person liable for the payment of land-revenue, any moveable property which under any law applicable to him is exempt from sale for the recovery of an arrear of such revenue."

(*5*) In the explanation to the same proviso, for the word and letter "and (*j*)" the letters and word "(*j*) and (*m*)" shall be substituted.

Repealed

29. In section 289 the words "on the spot where the property is attached" are hereby repealed. Amendment of section 289.

30. To section 320 the following shall be added, namely :— Addition to section 320.

"Rules under this section may confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector, including the powers of the Court under sections 294 and 312, and may provide for orders passed by the Collector or any gazetted subordinate of the Collector, or orders passed on appeal with respect to such orders, being subject to appeal to and revision by superior Revenue-authorities as nearly as may be as the orders passed by the Court, or orders passed on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.

"A power conferred by the rules upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be

be exercisable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

"In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be deemed to be acting judicially within the meaning of Act No. XVIII of 1850 (*an Act for the protection of Judicial Officers*)."

Amendment of Chapter XX.

31. (*1*) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted.

(*2*) In section 354, between the word "and" and the words "shall operate" the words "every order under that section appointing a Receiver" shall be inserted.

(*3*) For the second paragraph of section 360 the following shall be substituted, namely:—

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made, in execution of a decree for money passed by that Court."

(*4*) At the end of Chapter XX the following shall be inserted, namely:—

Inapplicability of this Chapter to presidency-towns.

"360A. Nothing in this Chapter shall apply to any Court having jurisdiction within the limits of the town of Calcutta, Madras or Bombay."

Amendment of Chapter XXI.

32. (*1*) For sections 363 and 364 the following shall be substituted, namely:—

Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone.

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit."

(*2*) For

(*2*) For section 365 the following shall be substituted, namely :—

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon enter his name and proceed with the suit." Procedure in case of death of sole or sole surviving plaintiff.

(*3*) To section 368 the following shall be added, namely :—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

(*4*) After section 372 the following shall be added, namely :—

"372A. The provisions of section 5 of the Indian Limitation Act, 1877, applicable to appeals shall apply to applications under sections 365, 366, 368 and 371." Power for Court to extend period of limitation prescribed for certain applications.

XV of 1877.

33. To section 381 the following shall be added, namely :— Addition to section 381.

"or show good cause why such time should be extended, in which case the Court may extend it.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

XV of 1877. "The provisions of the Indian Limitation Act, 1877,

1877, with respect to an application under section 103, and of this Code with respect to an appeal from an order rejecting such an application, shall apply, so far as they can be made applicable, to an application under this section for an order to set aside the dismissal of a suit, and to an appeal from an order rejecting such an application, respectively."

Amendment of section 386.

34. In section 386, for the words "or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint" the following shall be substituted, namely :—

"or to any pleader or other person whom the Court issuing the commission may, subject to any rules of the High Court in this behalf, think fit to appoint."

Amendment of section 419.

35. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted.

Amendment of section 424.

36. In section 424, after the words "intending plaintiff" the words "and the relief which he claims" shall be inserted.

Amendment of section 432.

37. (*1*) In section 432, after the words "British India" the following shall be inserted, namely :—

"or at the request of any person competent in the opinion of the Government to act on behalf of such Prince or Chief,".

(*2*) To the same section the following shall be added, namely :—

"An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief.

"A person appointed under this section may authorize or appoint persons to make and do appearances, applications and acts in any such suit or suits as if he were himself a party to the suit or suits."

38. For

(*Section 38.*)

38. For section 433 the following shall be substituted, namely :—

Substitution of new section for section 433.

Suit against Princes, Chiefs, ambassadors and envoys.

"433. (*1*) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor General in Council, certified by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court.

"(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued with reference to such possession or for money charged on that property.

"(*3*) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy.

"(*4*) The Governor General in Council may, by notification in the Gazette of India, authorize a Local Government and any Secretary to that Government to exercise, with respect to any Prince, Chief, ambassador or envoy named in the notification, the functions assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

"(*5*) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in

in this section, a Prince, Chief, ambassador or envoy from whom he holds or claims to hold the property."

Transposition and amendment of section 434.

39. (*1*) Section 434 shall become section 229B, and any reference made before the commencement of this Act in any notification or other document to section 434 shall be read as a reference to section 229B.

(*2*) In section 229B, the words "or continued" shall be inserted after the word "established".

Insertion of new section 434.

40. After section 433 the following section shall be inserted, namely:—

Style of Princes and Chiefs as parties to suits.

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State:

"Provided that in giving the consent referred to in the last foregoing section the Governor General in Council or Local Government, as the case may be, may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

Addition to section 464.

41. To section 464 the following shall be prefixed, namely:—

Princes and Chiefs and wards of Court.

"Nothing in this Chapter applies to a Sovereign Prince or ruling Chief suing or being sued in the name of his State or being sued, by direction of the Governor General in Council or a Local Government, in the name of an agent or in any other name, and".

Amendment of section 503.

42. In section 503, clause (*d*), the words "as the Court thinks fit" shall be inserted after the words "by way of remuneration".

Amendment of section 504.

43. In section 504, for the words "the Court may appoint the Collector" the words "the Court may, with the consent of the Collector, appoint him" shall be substituted.

Amendment of section 539.

44. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted.

Addition to section 540.

45. To section 540 the following shall be added, namely:—

"An appeal may lie under this section from an original decree passed *ex parte*."

46. To

LEGAL SECRETARIAT LIBRARY.

(Sections 46-48.)

Addition to section 549.

46. To section 549 the following shall be added, namely :—

"If such security be furnished, any costs for which a surety may have rendered himself liable may be recovered from him in execution of the decree of the Appellate Court in the same manner as if he were the appellant."

Substitution of new section for section 551. Power to dismiss appeal without sending notice to Lower Court.

47. (*1*) For section 551 the following shall be substituted, namely :—

"551. (*1*) The Appellate Court, if it thinks fit, may, after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, dismiss the appeal without sending notice of the appeal to the Court against whose decree the appeal is made and without serving notice on the respondent or his pleader.

"(*2*) If on the day fixed under sub-section (*1*) or any other day to which the hearing may be adjourned the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

"(*3*) The dismissal of an appeal under this section shall be notified to the Court against whose decree the appeal is made."

(*2*) For the first paragraph of section 552 the following shall be substituted, namely :—

"Unless the Appellate Court dismisses the appeal under the last foregoing section, it shall fix a day for hearing the appeal."

(*3*) In section 558 the words and figures "section 551, sub-section (*2*)," shall be inserted before the word and figures "section 556".

Amendment of, and addition to, section 561.

48. (*1*) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

"Provided he has filed the objection in the Appellate Court within one month from the date of the service on him or his pleader under section 553 of notice of the day fixed for hearing the appeal, or within

within such further time as the Appellate Court may see fit to allow."

(*2*) To the same section the following shall be added, namely :—

"Unless the respondent files with the objection a written acknowledgment from the appellant or his pleader of having received a copy thereof, the Appellate Court shall cause such a copy to be served, as soon as may be after the filing of the objection, on the appellant or his pleader, at the expense of the respondent.

"The provisions of Chapter XLIV shall, so far as they can be made applicable, apply to an objection under this section."

Amendment of section 562.

49. (*1*) In section 562 the words "so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties" are hereby repealed.

(*2*) In the same section, for the word "investigate" the word "determine" shall be substituted.

Repeal of section 563.

50. Section 563 is hereby repealed.

Amendment of section 565.

51. In section 565, for the word "shall" the word "may" shall be substituted.

Amendment of section 566.

52. (*1*) In section 566 the words "and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question" are hereby repealed.

(*2*) In the same section, between the words "the Appellate Court may" and the words "frame issues" the words "if necessary" shall be inserted.

Amendment of section 582.

53. (*1*) In section 582, for the words "the words 'plaintiff,' 'defendant' and 'suit' shall be held to include an appellant, a respondent and an appeal, respectively," the following shall be substituted, namely :—

"the word 'plaintiff' shall be held to include a plaintiff-appellant or defendant-appellant, the word 'defendant' a plaintiff-respondent or defendant-respondent, and the word 'suit' an appeal".

(*2*) In

(*2*) In the same section, the words and figures "including those of section 372A," shall be inserted after the words "The provisions hereinbefore contained".

Addition to section 584.

54. To section 584 the following shall be added, namely :—

"An appeal may lie under this section from an appellate decree passed *ex parte*."

Amendment of section 588.

55. (*1*) In section 588, clause (9), for the word "or" the word "for" shall be substituted.

(*2*) In the same section, clause (16), for the words "the first paragraph of" the words "and orders under" shall be substituted.

Repeal of part of section 589.

56. The first paragraph of section 589, and the word "other" in the second paragraph of that section, are hereby repealed.

Repeal of section 599 and part of section 601.

57. Section 599, and in section 601 the words "within thirty days from the date of the order", are hereby repealed.

Addition to section 610.

58. After the second paragraph of section 610 the following shall be inserted, namely :—

"In so far as the order awards costs to the respondent, it may be executed against a surety therefor, to the extent to which he has rendered himself liable, in the same manner as it may be executed against the appellant :

"Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety."

Addition to section 626.

59. To section 626 the following proviso shall be added, namely :—

"and

"(*c*) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (*a*) to this section, be disposed of by his successor."

60. After

Addition of new sections after section 646.

60. After section 646 the following shall be inserted, namely:—

Power to refer to High Court questions as to jurisdiction in small causes.

"646A. (*1*) I at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit.

"(*2*) On receiving the record and statement the High Court may order the Court either to proceed with the suit or to return the plaint for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit.

Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes.

"646B. (*1*) If it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and, if required by a party, shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

"(*2*) On receiving the record and statement, the High Court may pass such order in the case as it thinks fit.

"(*3*) With respect to any proceeding subsequent to decree in any case submitted to the High Court under this section, the High Court may make such order as in the circumstances appears to it to be just and proper.

"(*4*) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this section."

Amendment of, and addition to, section 648.

61. (*1*) For the third paragraph of section 648 the following shall be substituted:—

"and the Court making an arrest under this section shall send the person arrested to the Court by which

which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

(*2*) To section 648 the following shall be added, namely:—

"Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or Bombay, or of the Court of the Recorder of Rangoon, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court."

Amendment of section 650A.

62. In section 650A, the words "or continued" shall be inserted after the word "established".

Addition to section 652.

63. To section 652 the following shall be added, namely:—

"A High Court not established under the Statute 24 & 25 Victoria, Chapter 104 (*an Act for establishing High Courts of Judicature in India*), may, from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

64. In

Amendment of form No. 137, Schedule IV.

64. In form No. 137 of the fourth schedule the words "bound by the decree" shall be inserted after the words "remove any person".

Amendment of the Indian Registration Act, 1877.

65. (*1*) After clause (*n*) of section 17 of the Indian Registration Act, 1877, as amended by the Indian Registration Act, 1886, the following clause shall be added, namely :— III of 1877. VII of 1886.

"(*o*) a certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue officer."

(*2*) In the second paragraph of section 50 of the same Act, for the word and letter "and (*n*)" the letters and word "(*n*) and (*o*)" shall be substituted.

(*3*) The Indian Registration Act, 1877, shall be construed as if the amendments made in it by this section had been made therein by Act XII of 1879 (*an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877*) : III of

Provided that nothing in this sub-section shall be deemed to affect a decree or order made by any Court before the commencement of this Act.

Amendment of the Indian Limitation Act, 1877.

66. (*1*) No. 161 of the second schedule to the Indian Limitation Act, 1877, shall be transposed and become No. 173A, and the entry against it in the second column of that schedule shall be "Ditto", signifying ninety days. XV of 1877.

(*2*) Nos. 171, 171A and 171B of the same schedule are hereby repealed.

(*3*) For No. 171C of the same schedule the following shall be substituted, namely :—

Description of Application.	Period of Limitation.	Time from which period begins to run.
*	*	*
"171. Under section 371 of the Code of Civil Procedure, or under that section and section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days	The date of the order for abatement or dismissal."

(*4*) After

(*Section 66.*)

(*4*) After No. 175 of the same schedule the following shall be inserted, namely:—

Description of Application.	Period of Limitation.	Time from which period begins to run.
"175A. Under section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months .	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
"175B. Under section 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto .	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
"175C. Under section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto .	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent."

Government of India Central Printing Office.—No. 604 L. D.—15-4-88.—4,400—A. McL.

ACT No. VIII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 5th September, 1888.*)

An Act to remove doubts as to the legality of the levy of certain Tolls.

WHEREAS doubts have been raised as to the operation of the Acts of the Governor General in Council, No. VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*) and No. XV of 1864 (*an Act to amend Act VIII of 1851*); It is hereby enacted as follows:—

Enforcement of Acts VIII of 1851 and XV of 1864 in the Punjab.

1. Acts VIII of 1851 and XV of 1864 shall be deemed to be in force throughout the territories now administered by the Lieutenant-Governor of the Punjab, and, from the twenty-first day of August, 1857, and the twenty-fourth day of March, 1864, respectively, to have been in force in the territories for the time being administered as part of the Punjab.

Operation of the Act in the Punjab and certain other parts of British India.

2. (*1*) In any part of British India beyond the limits of the territories administered by the Governor of Fort St. George in Council, and the Lieutenant-Governors of Bengal and the North-Western Provinces, to or in which Acts VIII of 1851 and XV of 1864 may be or have been extended, or may be or have been declared to be in force, under the latter of those Acts or by this Act or by or under any other enactment, the Local Government shall be deemed to have and, where the Acts have been in force before the passing of this Act, to have had the same authority as if it had been included among the Local Governments specified in section 2 of Act VIII of 1851.

(*2*) "Presidency", where that word occurs in section 8 of Act VIII of 1851, shall be deemed to mean, and

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and to have meant, the territories under the administration of a Local Government.

Validation of past levy of tolls.

3. All tolls levied, or purporting to have been levied, under Acts VIII of 1851 and XV of 1864, or either of those Acts, before the passing of this Act, shall be deemed to have been lawfully levied.

Saving.

4. Nothing in the foregoing sections shall affect any proceedings commenced in any Civil Court before the first day of July, 1888.

Amendment of section 2, Act VIII, 1851.

5. In section 2 of Act VIII of 1851 ~~the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed, and~~ the word "and" shall be inserted between the words "the Lieutenant-Governor of the North-Western Provinces of Bengal" and the words "the Governor of the Presidency of Fort St. George in Council".

Government of India Central Printing Office.—No. 62 L. D.—25-9-88.—4,400.—A. E. deS.

ACT No. IX OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th September, 1888.)

An Act to repeal certain enactments relating to Contagious Diseases.

WHEREAS it is expedient to repeal certain enactments relating to contagious diseases; It is hereby enacted as follows:—

1. The enactments specified in the schedule are repealed to the extent mentioned in the third column thereof. Repeal.

THE SCHEDULE.

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
Acts of the Governor General in Council.		
XIV of 1868 . .	Indian Contagious Diseases Act, 1868.	So much as has not been repealed.
XXVI of 1868 .	Municipal Lock-hospitals .	The whole.
Act of the Governor of Fort St. George in Council.		
IV of 1884 . .	Madras District Municipalities Act, 1884.	The words "the application of the Indian Contagious Diseases Act" in section 113.

[*Price one anna.*]

Government of India Central Printing Office.—No. 63 L. D.—25-9-88.—4,400.—F. J. B.

ACT No. X OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th September, 1888.)

An Act to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.

WHEREAS it is expedient to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

XIV of 1882.
XV of 1882.

Revision of the second schedule to Act XIV of 1882.

1. For the second schedule to the Code of Civil Procedure there shall be substituted the schedule in the first schedule to this Act.

XIV of 1882.

Amendment of Act XV of 1882.

2. (*1*) To section 23 of the Presidency Small Cause Courts Act, 1882, the following shall be added, namely:—"Subject to such control, the Court may modify or cancel any notification under this section as occasion may appear to it to require."

XV of 1882.

(*2*) For the second schedule to the same Act there shall be substituted the schedule in the second schedule to this Act.

(*3*) Any declaration which has been notified under the proviso to section 23 of the Presidency Small Cause Courts Act, 1882, before the day on which this Act is passed, and which was in force immediately before that day, shall, subject to the powers of the Court under that section, be construed, so far as may be, as referring to the schedule which has been substituted by the last foregoing sub-section for the second schedule to that Act.

3. To

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Addition to section 589, Act XIV of 1882.

3. To section 589 of the Code of Civil Procedure XIV of 1882. the following shall be added, namely:—

"Provided that an appeal from an order specified in section 588, clause (17), shall lie—

(*a*) to the District Court where the order was passed by a Court subordinate to that Court, and

(*b*) to the High Court in any other case."

Repeal.

4. Act VIII of 1880 (*an Act to correct a clerical error in the Indian Limitation Act, 1877*) and section 26 of the Provincial Small Cause Courts Act, 1887, are hereby repealed. XV of IX of

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THE FIRST SCHEDULE TO THIS ACT.

THE SECOND SCHEDULE TO THE CODE OF CIVIL PROCEDURE.

(*See section 5.*)

CHAPTERS AND SECTIONS OF THIS CODE EXTENDING TO PROVINCIAL COURTS OF SMALL CAUSES.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11 and the last paragraph of section 14.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of

CHAPTER X.—Of Discovery and the Admission, &c., of Documents.

CHAPTER XII.—Section 155, first paragraph; Judgment where either party fails to produce his evidence.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.

CHAPTER XVIII.—Of Costs, sections 220, 221 and 222.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 283 (both inclusive), 284 (so far as relates to moveable property), 285, 286, 287, 288, 289, 290 (so far as relates to moveable property), 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).

CHAPTER XX.—Section 360, Power to invest certain Courts with Insolvency-jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—Suits

CHAPTER XXVII.—Suits by and against Government or Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards Immoveable Property.

CHAPTER XXXVI.—Appointment of Receivers.

CHAPTER XXXVII.—Reference to Arbitration.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.

CHAPTER XLVI.—Reference to and Revision by High Court.

CHAPTER XLVII.—Of Review of Judgment, sections 623, 626 and 630.

CHAPTER XLIX.—Miscellaneous.

THE SECOND SCHEDULE TO THIS ACT.

THE SECOND SCHEDULE TO THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24, and section 25, paragraphs 2 and 3.

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, clause (*b*), and the last paragraph.

CHAPTER IV.—Of

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*b*), sub-clause (iv), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65 and 66.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Records and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141, 141A, 142, 142A, sub-section (*1*), 143 and 145.

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first Hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive) and the second paragraph of section 193.

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of

CHAPTER XIX.—Of the Execution of Decrees, sections 229, 229A and 229B, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government or Public Officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433, sub-sections (*1*), (*2*), (*4*) and (*5*).

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXV.—Interlocutory Orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous.

Government of India Central Printing Office.—No. 70 L. D.—12-10-88.—4,400.—J W. DoB.

ACT No. XI OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th October, 1888.)

An Act to make an addition to the Indian Telegraph Act, 1885.

WHEREAS it is expedient to make an addition to the Indian Telegraph Act, 1885; It is hereby enacted as follows:—

XIII of 1885.

1. The following section shall be added to that Act, namely:— Addition of section to Act XIII of 1885.

"34. (*1*) This Act, in its application to the presidency-towns, shall be read as if for the words 'District Magistrate' in section 16, sub-section (*1*), and section 17, sub-sections (*2*) and (*3*), for the words 'Magistrate of the first or second class' in section 18, sub-section (*1*), and for the word 'Magistrate' in section 18, sub-section (*2*), there had been enacted the words 'Commissioner of Police', and for the words 'District Judge' in section 16, sub-sections (*3*), (*4*) and (*5*), the words 'Chief Judge of the Court of Small Causes'. Application of Act to presidency-towns and Rangoon.

(*2*) Section 16, in its application to the town of Rangoon, shall be read as if for the words 'District Judge', wherever they occur in that section, there had been enacted the words 'Judge of the Court of Small Causes'.

(*3*) The fee in respect of an application to the Chief Judge of a Presidency Court of Small Causes under sub-section (*3*) of section 16 shall be the same as would be payable under the Court-fees Act, 1870, in

VII of 1870.

[*Price one anna and three pies.*]

in respect of such an application to a District Judge beyond the limits of a presidency-town, and fees for summonses and other processes in proceedings before the Chief Judge under sub-section (*3*) or sub-section (*4*) of that section shall be payable according to the scale set forth in the fourth schedule to the Presidency Small Cause Courts Act, 1882." XV of 1882.

Government of India Central Printing Office.—No. 78 L D 23-10-88.—4,000 - A E dcS.

ACT No. XII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th October, 1888.)

An Act to supplement certain provisions of the City of Bombay Municipal Act, 1888, and of the Calcutta Municipal Consolidation Act, 1889.

WHEREAS it is expedient to supplement by legislation in the Council of the Governor General for making Laws and Regulations certain provisions of the City of Bombay Municipal Act, 1888, and of the Calcutta Municipal Consolidation Act, 1889; It is hereby enacted as follows:—

Confirmation of the City of Bombay Municipal Act, 1888, and the Calcutta Municipal Consolidation Act, 1889, so far as regards Benches, Magistrates and Courts of Small Causes.

1. The City of Bombay Municipal Act, 1888, and the Calcutta Municipal Consolidation Act, 1889, shall, so far as regards—

(*a*) the jurisdiction thereby conferred upon Appellate Benches of Municipal Authorities and upon Presidency and other Magistrates and Courts of Small Causes or any Judge of such a Court, and

(*b*) the decisions, orders and other proceedings of those Benches, Magistrates and Courts or of any such Judge,

be as valid as if they had been passed by the Governor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Reference of questions by the Chief Judge of the Bombay Small Cause Court to the Bombay High Court.

2. (*1*) If before or on the hearing of an appeal under section 217 of the City of Bombay Municipal Act, 1888, any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, arises, on which the Chief Judge of the Court of Small Causes of Bombay entertains

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entertains reasonable doubt, the Chief Judge may, either of his own motion or on the application of either or any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement, with his own opinion on the point, for the decision of the High Court of Judicature at Bombay.

(*2*) When a reference is made to the High Court under sub-section (*1*), the provisions of sections 618 to 621, both inclusive, of the Code of Civil Procedure XIV of 1882. shall, so far as they can be made applicable, apply to the Chief Judge of the Court of Small Causes and to the High Court, respectively.

Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.

3. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from a decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, when the amount of the claim in respect of which the decision is passed exceeds two thousand rupees.

(*2*) The provisions of the Code of Civil Procedure XIV of 1882. with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (*1*), and orders passed therein by the High Court may, on application to the Chief Judge of the Court of Small Causes, be executed by him as if they were decrees made by himself.

(*3*) A decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, shall, if an appeal does not lie therefrom under sub-section (*1*), be final.

Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.

4. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from an order passed by a Presidency Magistrate under section 515 of the City of Bombay Municipal Act, 1888.

(*2*) The High Court may from time to time make rules for regulating the admission of appeals under sub-section

sub-section (*1*) and the procedure to be followed in the adjudication thereof.

(*3*) When an appeal has been preferred to the High Court under this section, the Municipal Commissioner for the City of Bombay shall defer action upon the order of the Presidency Magistrate until the appeal has been disposed of:

(*4*) But, when the appeal has been disposed of, he shall forthwith give effect to the order passed therein by the High Court, or, if the order of the Presidency Magistrate has not been disturbed by the High Court, then to his order.

(*5*) When disposing of an appeal under this section the High Court may direct by whom the costs of the appeal are to be paid, and whether in whole or in what part or proportion.

(*6*) Costs so directed to be paid may, on application to a Presidency Magistrate, be recovered by him, in accordance with the direction of the High Court, as if they were a fine imposed by himself.

Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.

5. An appeal to the High Court of Judicature at Bombay under either of the two last foregoing sections shall, for the purposes of No. 156 of the second schedule to the Indian Limitation Act, 1877, be deemed to be an appeal under the Code of Civil Procedure in a case not provided for by No. 151 and No. 153 of that schedule.

XV of 1877.
XIV of 1882.

Government of India Central Printing Office.—No. 84 L. D.—27-10-88.—4,400—W. L.

ACT No. XIII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 26th October, 1888.*)

An Act to amend the Punjab Courts Act, 1884.

WHEREAS it is expedient to amend the Punjab Courts Act, 1884; It is hereby enacted as follows:— XVIII of 1884.

Title, extent and commencement.

1. (*1*) This Act may be called the Punjab Courts Act, 1888.

(*2*) It has the same local extent as the Punjab Courts Act, 1884; and, XVIII of 1884.

(*3*) Except in so far as it amends section 43 of that Act, it shall come into force on the sixteenth day of November, 1888.

(*4*) In so far as it amends that section, it shall come into force on the first day of January, 1889.

Substitution of new section for section 3, Act XVIII, 1884.

2. For section 3 of the Punjab Courts Act, 1884, the following shall be substituted, namely:— XVIII of 1884.

Definitions.

"3. In this Act, unless there is something repugnant in the subject or context,—

"(*1*) 'small cause' means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887: ... of 1887.

"(*2*) 'land-suit' means a suit relating to land as defined in section 4, clause (*1*), of the Punjab Tenancy Act, 1887, or to any right or interest in such land: XVI of 1887.

"(*3*) 'unclassed

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"(*3*) 'unclassed suit' means a suit which is neither a small cause nor a land-suit: and

"(*4*) 'value', used with reference to a suit, means the amount or value of the subject-matter of the suit."

Repeal of proviso to section 8, sub-section (*1*), Act XVIII, 1884.

3. The proviso to section 8, sub-section (*1*), of the Punjab Courts Act, 1884, is hereby repealed.

Amendment of section 14, sub-section (*1*), clause (*b*), Act XVIII, 1884.

4. For clause (*b*) of section 14, sub-section (*1*), of the Punjab Courts Act, 1884, the following shall be substituted, namely:— XVIII of 1884.

"(*b*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Punjab, regulating the conduct of business by persons so practising, and determining the authority by which breaches of rules under this clause shall be tried".

Substitution of new Chapter for Chapter IV, Act XVIII, 1884.

5. For Chapter IV of the Punjab Courts Act, 1884, the following shall be substituted, namely:— XVIII of 1884.

CHAPTER IV.

"APPELLATE JURISDICTION IN CIVIL CASES.

Appeals from original decrees.

"39. Save as otherwise provided by any enactment for the time being in force, appeals from decrees of Courts exercising original jurisdiction shall lie as follows, namely:—

(*a*) to the District Judge from a decree of a Munsif in a small cause of value not exceeding five hundred rupees or in an unclassed suit of value not exceeding one hundred rupees;

(*b*) to the Chief Court from a decree of a Subordinate Judge or District Judge in any original suit of value exceeding five thousand rupees or from a decree of a Divisional Court in any original suit; and

(*c*) to—

(*c*) to the Divisional Court from a decree passed in an original suit by a Munsif, Subordinate Judge or District Judge and not hereinbefore provided for.

Appeals from appellate decrees of Divisional Courts.

"40. (*1*) A further appeal shall lie to the Chief Court in any of the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :—

(*a*) if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value;

(*b*) in a land-suit if the Divisional Court consists of a single Judge and the decree varies or reverses, otherwise than as to costs, the decree of the Court below;

(*c*) in a land-suit if, in a Divisional Court consisting of more than one Judge, the appeal is heard by two or more Judges and there is not a majority of those Judges concurring in the decree of the Divisional Court confirming, varying or reversing, otherwise than as to costs, the decision of the Court below;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom involved, and that the case is, in his opinion, of sufficient importance to justify a further appeal:

Provided that—

(*i*) an application under clause (*d*) of this sub-section shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(*ii*) a

(*ii*) a further appeal shall not lie in any small cause of value not amounting to one thousand rupees or upwards or in any unclassed suit of value not exceeding one hundred rupees.

(*2*) When an application under clause (*d*) of subsection (*1*) has been refused, an application for revision may, within thirty days from the date of the refusal, be presented to the Chief Court, and if the Chief Court is of opinion that a question of law or custom or of general interest is involved, and that the case is of sufficient importance to justify a further appeal, the Chief Court may deal with the application for revision as if it were a further appeal.

Appellate decrees of District Judge or Divisional Court otherwise final.

"41. Subject to the provisions of the last foregoing section and of sections 595 and 622 of the Code of Civil Procedure, an appellate decree of a District Judge or Divisional Court shall be final. XIV of 1882.

Power to confer appellate jurisdiction on Subordinate Judge.

"42. (*1*) The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and may withdraw those powers.

(*2*) A Subordinate Judge shall, for purposes connected with the exercise of powers so conferred, be deemed to be a District Judge.

Period of limitation.

"43. (*1*) The period of limitation for an appeal under section 39 or section 40 and for an appeal from an order from which an appeal lies shall run from the date of the decree or order appealed against, and shall be as follows, that is to say:—

(*a*) when the appeal lies to the District Judge—thirty days;

(*b*) when the appeal lies to the Divisional Court—sixty days;

(*c*) when the appeal lies to the Chief Court—ninety days.

(*2*) In

(*2*) In computing these periods of thirty, sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877:

XV of 1877.

Provided that, in computing the period of ninety days for an appeal under clause (*d*) of section 40, sub-section (*1*), the time during which the application under that clause has been pending shall be excluded.

References to Chief Court under section 617 of Code of Civil Procedure.

"44. For the purpose of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this Chapter shall, except when the value of the suit is one thousand rupees or upwards, be deemed to be an appeal in which the decree is final."

XIV of 1882.

Addition of sections to Act XVIII, 1884.

6. The following sections shall be added to the Punjab Courts Act, 1884, namely:—

XVIII of 1884.

Appointment of Additional Divisional and District Judges.

"75. (*1*) When the business pending before any Divisional Court consisting of one Judge, or before the Court of any District Judge, requires the aid of an Additional Judge for its speedy disposal, the Local Government may appoint to the Court an Additional Divisional Judge or an Additional District Judge, as the case may be.

"(*2*) An Additional Judge so appointed shall discharge any of the functions of a Divisional Judge or District Judge, as the case may be, which the Divisional Judge or District Judge may assign to him, and shall, as regards the discharge of those functions and subject to the provisions of the next following sub-section, be deemed, for the purposes of this Act, to be a Divisional Judge or District Judge.

"(*3*) Where an Additional Divisional Judge is appointed to a Divisional Court under sub-section (*1*), the Court shall not be deemed for the purposes of this Act to be a Divisional Court consisting of more than one Judge.

Transfer of proceedings.

"76 Subject to the provisions of any enactment for the time being in force, the Chief Court may, of its

its own motion or on the application of a party, withdraw any proceeding which is pending in any Court subordinate to it and for the withdrawal of which provision is not made in sections 25 and 647 of the Code of Civil Procedure or in section 526 of the Code of Criminal Procedure, 1882, and may either itself dispose of the proceeding or transfer it for disposal to any other subordinate Court."

XIV of 1882.
X of 1882.

Effect of this Act on decrees already made.

7. (*1*) Section 8 of the Punjab Courts Act, 1884, shall apply as amended by section 3 of this Act to proceedings pending at the commencement of this Act.

XVIII of 1884.

(*2*) Subject to the other provisions of this Act, appeals from decrees passed and not appealed from before the commencement of this Act shall lie and be disposed of as if the Punjab Courts Act, 1884, had on the third day of October, 1884, been passed as amended by this Act.

Government of India Central Printing Office.—No. 85 L. D.—14-11-88.—4,400.—F. J. B.

ACT No. XIV OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th October, 1888.)

An Act to make further provision for the Administration of the Estate of His late Majesty the King of Oudh.

WHEREAS Act XIX of 1887 (*an Act to provide for the Administration of the Estate of His late Majesty the King of Oudh*) enacts that the Governor General in Council shall have exclusive authority to act in the administration of the property of whatever nature left by His late Majesty the King of Oudh in regard to the settlement and satisfaction of claims against the estate of His late Majesty, and may make distribution of the remaining property or the proceeds thereof in such manner as he deems fit among the family and dependents of His late Majesty;

and whereas it is expedient to provide for the mode in which property may be transferred, and suits and other proceedings may be instituted, in the course of the administration of the estate of His late Majesty;

It is hereby enacted as follows:—

Transfers of property by and to the Agent to the Governor General in Council, and institution of legal proceedings by him.

1. Subject to the control of the Governor General in Council, the person for the time being holding the office of Agent to the Governor General in Council for the Affairs of the late King of Oudh and for the Purposes of Act XIX of 1887 may—

(*a*) in his own name and by his name of office dispose of any moveable or immoveable property of His late Majesty the King of Oudh in as full and effectual a manner as His Majesty could have disposed of it in his lifetime;

(*b*) by

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(*b*) by his name of office take a conveyance of any moveable or immoveable property in which His late Majesty had a beneficial interest; and

(*c*) by his name of office institute any suit or other proceeding in any Civil, Criminal or Revenue Court in connection with the possession of any moveable or immoveable property belonging to the estate of His late Majesty or the dispossession of any person of any such property, or the recovery of rents, debts or other moneys due to the estate, or otherwise in connection with the administration of the estate.

Consequences ensuing on death, resignation or removal of Agent.

2. On the departure from British India, or the death, resignation or removal, of an Agent to the Governor General for the Affairs and Purposes aforesaid, the following consequences shall ensue, namely:—

(*a*) any moveable or immoveable property vested in him as such Agent shall become vested in his successor in office, and

(*b*) a suit or other proceeding instituted by his name of office may be continued by his successor in office in the same manner as if the departure or the death, resignation or removal had not occurred.

Government of India Central Printing Office.—No. 86 L. D.—14-11-98.—4,400.—F. J. B.

ACT No. XV OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th October, 1888.)

An Act to supplement the provisions of the Upper Burma Laws Act, 1886, with respect to the Shan States.

WHEREAS it is expedient to supplement the provisions of the Upper Burma Laws Act, 1886, with respect to the Shan States in Upper Burma; It is hereby enacted as follows:—

XX of 1886.

Title, extent and commencement.

1. (*1*) This Act may be called the Shan States Act, 1888; and,

(*2*) Notwithstanding anything in section 8, sub-section (*2*), of the Upper Burma Laws Act, 1886, it shall come into force throughout the Shan States on such day as the Local Government, by notification in the official Gazette, appoints in this behalf.

XX of 1886.

Definitions.

2. In this Act—

(*1*) "Shan State" means a territory for the time being notified under sub-section (*3*) of section 8 of the Upper Burma Laws Act, 1886, as a Shan State for the purposes of that section and sections 6 and 7 of that Act: and

XX of 1886.

(*2*) "chief" includes a person temporarily administering such a State.

Administration of Shan States by their own chiefs and under their own laws.

3. (*1*) Subject to the provisions of this Act and of any enactment for the time being in force in a Shan State under section 8, sub-section (*1*), of the Upper Burma Laws Act, 1886, and to such conditions as may have been or may be prescribed by the Local Government, with the approval of the Governor General

XX of 1886.

[*Price one anna and six pies.*]

General in Council, in any instrument recognising a person as the chief of the State, the administration of civil and criminal justice and the collection of the revenue within the State shall be vested in the person for the time being recognised by the Local Government as the chief of the State.

(*2*) Subject as aforesaid, the law to be administered in a Shan State shall be the customary law of the State in so far as that law is in accordance with justice, equity and good conscience, and the punishments which may be awarded thereunder, or the practices which are permitted thereby, are in conformity with the spirit of the law in force in the rest of British India.

Participation of the Government in the administration of Shan States.

4. (*1*) The Local Government may, by order,—

(*a*) appoint officers to undertake, or to take part in, the administration of civil and criminal justice and the collection of the revenue within a Shan State;

(*b*) with the previous sanction of the Governor General in Council, define the powers and regulate the procedure of officers so appointed and their deputies and subordinates and of the chief and his deputies and subordinates;

(*c*) with the previous sanction of the Governor General in Council, direct by what authority any jurisdiction, power or duty incident to the operation of any enactment for the time being in force in the State under section 8, sub-section (*1*), of the Upper Burma Laws Act, 1886, is to be exercised or performed; and XX of 1886.

(*d*) modify the customary law of the State in so far as, in the opinion of the Local Government, that law is not in accordance with justice, equity and good conscience, or authorises punishments, or permits practices, which are not in conformity with the spirit of the law in force in the rest of British India.

(*2*) An

(*2*) An order of the Local Government under sub-section (*1*) may have reference to any one Shan State or to any number of Shan States specified or referred to in the order.

Modification of enactments in their application to the Shan States.

5. In extending an enactment to a Shan State under section 8, sub-section (*1*), of the Upper Burma Laws Act, 1886, the Local Government, with the previous sanction of the Governor General in Council, may declare its extension to be subject to such restrictions and modifications as that Government thinks fit.

Government of India Central Printing Office.—No. 87 L. D.—14-11-88.—4,400.—F. J. B.

ACT No. XVI OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th October, 1888.)

An Act to repeal certain enactments relating to the purchase of regimental necessaries from soldiers.

WHEREAS it is expedient to repeal the enactments specified in the schedule to this Act; It is hereby enacted as follows :—

1. The enactments specified in the schedule are hereby repealed. Repeal.

SCHEDULE.

Number and year.	Subject or title.	Extent of repeal.
Act of the Governor General in Council.		
VII of 1867 . .	Purchase of regimental necessaries from soldiers.	So much as has not been repealed.
Regulation of the Madras Code.		
XIV of 1832 . .	Purchase of regimental necessaries from soldiers.	So much as has not been repealed.

[*Price one anna.*]

Government of India Central Printing Office.—No. 88 L. D.—14-11-88.—4,900.—F. J. B.

ACT No. XVII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 26th October, 1888.*)

An Act to amend the Indian Marine Act, 1887.

WHEREAS it is expedient to amend the Indian Marine Act, 1887; It is hereby enacted as follows:— XIV of 1887.

Amendment of section 2, Act XIV of 1887.

1. For sub-section (*2*) of section 2 of the Indian Marine Act, 1887, the following shall be substituted, namely:— XIV of 1887.

"(*2*) The Governor General in Council may, by notification in the Gazette of India, vary any of the definitions in clauses (*b*), (*c*) and (*d*) of sub-section (*1*) as occasion may appear to him to require, and the references to those clauses in the definition of the expression 'superior officer' in clause (*e*) of that sub-section shall be construed to be references to them as varied by any notification published under this sub-section and for the time being in force."

[*Price one anna.*]

Government of India Central Printing Office.—No. 89 L. D.—14-11-88.—4,400.—F. J. B.

ACT No. XVIII OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st December, 1888.

An Act to provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.

WHEREAS it is expedient that there should be a Financial Commissioner for Burma; It is hereby enacted as follows:—

Extent and commencement.

1. (*1*) This Act shall extend to the whole of Burma (inclusive of Upper Burma), except the Shan States; and

(*2*) It shall come into force at once.

Appointment of Financial Commissioner.

2. (*1*) There shall be a Financial Commissioner for Burma, and he shall be appointed, and may be removed, by the Local Government with the previous sanction of the Governor General in Council.

(*2*) Any person appointed by the Local Government or by the Governor General in Council to the office of Financial Commissioner since the first day of April, 1888, shall be deemed to have been appointed under sub-section (*1*).

Subordination of Financial Commissioner to Local Government.

3. The Financial Commissioner shall be subject to the control of the Local Government and shall, subject to the provisions of this Act and of any other enactment for the time being in force, discharge such functions as that Government may assign to him.

Financial Commissioner to be Chief Revenue-authority.

4. In any enactment for the time being in force in which the expression "Chief Revenue-authority" or "Chief Controlling Revenue-authority" is used, the expression shall, subject to the provisions of any enactment

[*Price one anna and six pies.*]

enactment passed after the commencement of this Act and to any conditions and restrictions which the Local Government, with the previous sanction of the Governor General in Council, may prescribe, be construed as referring to the Financial Commissioner.

Delegation of powers to Financial Commissioner by Local Government.

5. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, delegate to the Financial Commissioner, subject to such conditions and restrictions, if any, as that Government, with such sanction as aforesaid, may prescribe, all or any of the functions assigned to that Government by any enactment for the time being in force.

Validation of past proceedings of Financial Commissioner.

6. All acts and proceedings done and taken after the first day of April, 1888, and before the commencement of this Act, by any person appointed by the Local Government or the Governor General in Council to the office of Financial Commissioner, or by any person acting under the authority of a person so appointed, shall be as valid and operative as they would have been if they had been done and taken in exercise of powers conferred by or conferable under this Act.

Modification of certain enactments.

7. The enactments specified in the schedule shall be modified to the extent and in the manner mentioned in the third column thereof.

THE SCHEDULE.

ENACTMENTS MODIFIED.

Number and year.	Title.	Modifications.
I of 1879 . .	Indian Stamp Act, 1879.	In section 3, clause (7), insert the words "and Burma" after the word "Punjab".
III of 1879 .	Destruction of Records Act, 1879.	In section 7 insert the words "and Burma" after the word "Punjab".

THE SCHEDULE—*continued.*

Number and year.	Title.	Modifications.
XXII of 1881 .	Excise Act, 1881 .	In section 3, clause (*a*), omit the words "British Burma", and for the words "in the territories administered by the Lieutenant-Governor of the Punjab" substitute the words "in the territories respectively administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Burma": in section 10 omit the words "British Burma": and in all other sections in which those words occur, except section 1, substitute the word "Burma" for them.
XX of 1886 .	Upper Burma Laws Act, 1886.	In the second schedule, first part, for "(ss, 2, 4 and 8)", against Act III of 1879, substitute "(ss. 2, 4, 5, 7 and 8)".

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ACT No. XIX OF 1888.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st December, 1888.)

An Act to amend the Burma Municipal Act, 1884.

XVII of 1884.

WHEREAS it is expedient to amend the Burma Municipal Act, 1884; It is hereby enacted as follows:—

XVII of 1884.

Addition to section 2, Act XVII, 1884.

1. In section 2 of the Burma Municipal Act, 1884, between the definition of "municipality" and the definition of "inhabitant" the following shall be inserted, namely:—

"'owner' includes the person who is receiving the rent of any building or land, whether on his own account or as agent or trustee, or who would so receive the rent if the building or land were let to a tenant, but except in sections 74 and 75 does not include the Government:".

Substitution of new sections for sections 58 and 59, Act XVII, 1884.

2. For sections 58 and 59 of the said Act the following shall be substituted, namely:—

Joint and several liability of owners and occupiers for property, water, lighting and scavenging taxes.

"58. Every tax payable under section 41, clause (*a*), (*b*) or (*c*), or section 42, 43 or 44, in respect of any building or land, shall be payable jointly and severally by all persons who have been either owners or occupiers of the building or land at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable.

Liability of owners and

"59. (*1*) In the absence of any agreement to the contrary

occupiers as between themselves for property, water, lighting and scavenging taxes.

contrary between an owner and an occupier of any building or land, any tax payable under section 41, clause (*a*), (*b*) or (*c*), which is paid by or recovered from the occupier, shall be recoverable by him from the owner, and any tax payable under section 42, 43 or 44, which is paid by or recovered from the owner, shall be recoverable by him from the occupier.

(*2*) A sum recoverable under sub-section (*1*) by an occupier from an owner may be deducted by the occupier from any rent due or afterwards accruing due from him to the owner."

Repeal of Act XI of 1885.

3. Act XI of 1885 (*an Act to correct an error in the Burma Municipal Act, 1884*) is hereby repealed.

Government of India Central Printing Office.—No. 388 L. D.—27-12-88.—4,40 c.—J. W. [illegible]